

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Cancellation of the Certificate of)
Service Authority and Accompanying Tariff of Sigma) **Case No. XD-2005-0434**
Networks Telecommunications, Inc.)

ORDER CANCELING CERTIFICATE AND TARIFF

Issue Date: June 14, 2005

Effective Date: June 24, 2005

This order cancels the certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services granted to Sigma Networks Telecommunications, Inc., along with its accompanying tariff.

On May 23, 2005, the Staff of the Missouri Public Service Commission filed its motion to open a case and cancel the certificate of service authority and tariff of Sigma Networks. The Commission granted Sigma Networks a certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Case No. TA-2001-56. The Commission also approved Sigma Networks' tariff, MO P.S.C. Tariff No. 1, in that same case.

In support of its motion, Staff states that the Missouri Secretary State revoked Sigma Networks' certificate of authority to do business in Missouri on September 2, 2002, because the company failed to file its annual registration report. Section 351.602, RSMo 2000, governs the procedure and effect of revocation of foreign corporations' authority to do business in the state of Missouri. Section 351.602.3, RSMo 2000, provides that "[t]he authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority."

Staff notes that Sigma Networks has not submitted an annual report to the Commission since at least calendar year 2002. In addition, the company has not submitted statements of revenue to the Commission since receiving its certificate of service authority. Staff states that the company owes a minimal estimated assessment to the Commission and has paid another one.

Staff also states that it is not aware that Sigma Networks has ever provided interexchange telecommunications services to any Missouri customers. The company does not appear to have ever submitted annual reports or statements of revenue to the Commission and its only assessments were minimal estimates. No customers have contacted the Commission to make complaints, either formal or informal, about Sigma Networks since the commencement of the Commission's Electronic Filing and Information System (EFIS). Finally, Staff notes that Sigma Networks has sought and obtained approval to abandon service in states such as Maine and Nevada.

The Commission has the authority to cancel a telecommunications corporation certificate under Section 392.410.5, which states, "Any certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected." Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the application.¹

The Commission has reviewed the application and the official file and finds that it is reasonable to cancel Sigma Networks' certificate. In addition, the Commission finds that it would be in the public interest to cancel the tariff of the company. Therefore, the

¹ *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

certificate of service authority granted to Sigma Networks in Case No. TA-2001-56, along with its accompanying tariff, will be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of service authority granted in Case No. TA-2001-56 to Sigma Networks Telecommunications, Inc., is canceled.
2. That Sigma Networks Telecommunications, Inc.'s tariff, MO P.S.C. Tariff No. 1, is canceled.
3. That this order shall become effective on June 24, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Vicky Ruth, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 14th day of June, 2005.